

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 3:12-CR-129-01
)	
Darrin Marquis Campbell)	

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 53]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 54]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782.

The defendant was convicted of aiding and abetting the distribution of at least 28 grams of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). He was deemed responsible for 71.3 grams of crack cocaine, yielding a base offense level of 26. After a three level reduction for acceptance of responsibility, the defendant's total offense level was 23. With a criminal history category of VI, the corresponding guidelines range was 92-115 months' imprisonment, restricted by the 120-month enhanced statutory mandatory minimum.

The government filed a motion for downward departure in light of defendant's substantial assistance, pursuant to 18 U.S.C. § 3553(e). The court granted the motion and sentenced defendant to 96 months' imprisonment, 20 percent below the restricted guideline range [R. 39].

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 21, with a criminal history category VI, resulting in an amended guideline range of 77-96 months. Giving defendant a comparable adjustment for substantial assistance (20%), and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 53] is GRANTED, and the defendant's sentence is **reduced to 62 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated April 9, 2013 shall remain in effect. **The effective date of this order is November 2, 2015.** *See* USSG § 1B1.10(e)(1).

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE